

1089. Adulteration of butter. U. S. v. 15 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3525. Sample No. 36965-E.)

On December 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 cartons of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 16, to on or about October 30, 1940, by the Davis-Cleaver Produce Co. from Quincy, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Netherland Brand Butter."

On January 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1090. Adulteration of butter. U. S. v. 2,205 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond for melting and incorporating into buttermilk for animal feed, but not for human consumption. (F. D. C. No. 2581. Sample No. 27051-E.)

On August 8, 1940, the United States attorney for the Southern District of Ohio filed a libel against 2,205 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 6, 1940, from Springfield, Mo., by the Merchants Creamery Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 9, 1940, the Merchants Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be melted and incorporated with buttermilk and disposed of for animal feed.

1091. Adulteration of butter. U. S. v. 4 Cases and 16 Cases of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 2756, 3015. Sample Nos. 9645-E, 9875-E, 9876-E.)

On or about August 16 and 19, 1940, the United States attorneys for the Southern District of Alabama and the Western District of Louisiana filed libels against 4 cases of butter at Mobile, Ala., and 16 cases at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about July 29 and August 6, 1940, by Swift & Co., from West Point, Miss., and Paris, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part, variously: "Southern Belle Creamery Butter Distributed by Swift & Company," or "Big Chain Country Roll [or "Creamery"] Butter Distributed by Big Chain Stores, Inc., Shreveport, La."

On November 29 and December 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1092. Adulteration of packing stock butter. U. S. v. 16 Tubs, 10 Drums, and 1 Barrel of Packing Stock Butter. Consent decree of condemnation. Product ordered released under bond for destruction of unfit portion. (F. D. C. No. 2582. Sample Nos. 28425-E to 28430-E, incl.)

This product contained various types of filth, such as, maggots, rodent hairs and excreta, insects, mold, and miscellaneous dirt.

On July 26, 1940, the United States attorney for the District of Maryland filed a libel against 16 tubs, 10 drums, and 2 barrels containing a total of 5,810½ pounds of packing stock butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17 and 18, 1940, in various lots from Roanoke, Bristol, Meadowview, Abingdon, Glade Spring, and Christiansburg, Va.; and Bristol, Tenn., by truck owned and operated by Eyster B. Bidle; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 16, 1940, J. W. Buffington & Co., of Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. All portions of the product which were contaminated with filth were removed and destroyed and the fit portion was disposed of in the manufacture of process butter.

1093. Adulteration of packing stock butter. U. S. v. 125 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2580. Sample No. 20814-E.)

This product contained rodent hairs, fragments of rodent excreta, and insect fragments and larvae.

On July 31, 1940, the United States attorney for the Northern District of Georgia filed a libel against 125 pounds of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by the A. T. Daugherty Produce Co. from Athens, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1094. Adulteration of packing-stock butter. U. S. v. 2 Drums of Packing-Stock Butter. Default decree of condemnation and destruction. (F. D. C. No. 2583. Sample No. 28433-E.)

Samples of this product were found to contain various types of filth such as maggots, flies, ants, rodent hairs, fragments of insects, mold, and other extraneous matter.

On July 31, 1940, the United States attorney for the District of Maryland filed a libel against two drums of packing-stock butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, from Hiddenite, N. C., by truck owned by B. M. Miller and operated by Roy D. Hines; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1095. Adulteration of packing-stock butter. U. S. v. 2,000 Pounds and 5 Drums (1,800 Pounds) of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 2578, 2579. Sample Nos. 20119-E, 20812-E.)

This product contained rodent hairs, fragments of rodent excreta, and insect fragments and larvae.

On July 29 and 31, 1940, the United States attorney for the Northern District of Georgia filed libels against 3,800 pounds of packing-stock butter in Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to on or about July 27, 1940, by Rosemary Creamery, Inc., from various points in the States of Alabama and North Carolina; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 7, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1096. Misbranding of butter. U. S. v. 13 Cases of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 2141. Sample No. 12254-D.)

This product was short weight.

On May 15, 1940, the United States attorney for the Northern District of California filed a libel against 13 cases of butter at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by Minden Butter Co. from Minden, Nev., and charging that it was misbranded. The article was labeled in part: "Windmill Brand Butter One Pound Net."

It was alleged to be misbranded in that it was labeled "One Pound Net," which was false and misleading since the package contained less than that amount. It was alleged to be misbranded further in that it was a food in package form and did not bear an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

On June 4, 1940, the Minden Butter Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

CHEESE

1097. Misbranding of grated cheese. U. S. v. 70 Cases of Grated Cheese. Consent decree entered. Product released under bond. Contents condemned and ordered destroyed. (F. D. C. No. 1687. Sample No. 98687-D.)

The packages containing this product were filled to only about 71 percent of their capacity.

On March 23, 1940, the United States attorney for the Eastern District of New York filed a libel against 79 cases of grated cheese at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 13, 1940, by the Stella Cheese Co. from Campbellsport, Wis.; and